

**Maharashtra State Electricity Distribution Co. Ltd.'s  
Consumer Grievance Redressal Forum  
Nagpur Urban Zone, Nagpur**

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**Case No. CGRF(NUZ)/58/2011**

Applicant : M/s. Nagpur Zilla Kapus Utpadak  
Sahakari Sut Girni Limited,  
Patansawangi, Taluka – Saoner,  
District, Nagpur.

Non–applicant : Nodal Officer, The Superintending  
Engineer, MSEDCL,  
Nagpur Rural Circle,  
Nagpur.

Quorum Present : 1) Shri. Shivajirao S. Patil  
Chairman,  
  
2) Adv. Smt. Gouri Chandrayan,  
Member,  
  
3) Smt. Kavita K. Gharat,  
Member Secretary.

**ORDER (Passed on 09.12.2011)**

The applicant, M/s. Nagpur Zilla Kapus Utpadak Sahakari Sut Girni Limited, Patansawangi, Taluka – Saoner, District Nagpur, filed present Grievance Application on Dt. 11.10.2011 before this Forum under regulation 6.4 of Maharashtra Electricity Regulatory Commission (Consumers Grievance Redressal Forum & Electricity Ombudsman) Regulations 2006 (hereinafter referred as Regulations).

- 1) Applicant's case in brief is that yet one year is not completed from the date of supply of electricity energy, even though M.S.E.D.C.L. recovered additional charges from the applicant. Therefore the applicant filed present Grievance application for refund of amount of additional charges.
  
- 2) The Non-applicant denied claim of the applicant by filing the reply on Dt. 8.11.2011. It is submitted that the applicant is a consumer having Contract Demand of 1505 kVA on 33 kV Line vide load sanction order dated 20.4.2010 & connection released on Dt. 14.9.2010. It is submitted that as per MERC case No. 69 of 2010 Dt. 2.12.2010 in the matter of seeking review of the order Dt. 12.9.2010 in case No. 111/09 in respect of MSEDCL's Annual Performance Review (APR) for the year 2009-10, it is stated at point No. 1.91 that additional revenue gap approved by the Commission shall be charged from 1<sup>st</sup> December 2010. As per Point No. 1.89 of the order, the Commission approves additional revenue of 1136.27 Crores in this review order which will be recovered through tariff from each consumer w.e.f. 1.12.2010. So each consumer is liable to pay for the additional energy charges as fixed at Table No. 11 of the said order. Therefore additional charges billed as per MERC order cannot be refunded. Therefore the application deserves to be dismissed.

- 3) Forum heard arguments of both the sides & perused the entire record.
- 4) It is noteworthy that in this case there is no detail application of the applicant addressed to this Forum mentioning therein the detail particulars regarding the claim of the applicant, duration and the amount claimed. It is noteworthy that the applicant submitted the application in the prescribed form vide Schedule – A. In para 5 of this Schedule, the applicant had given only the following details :-

“ विद्युत पुरवठा सुरु करुन एक वर्षाचा कालावधी झालेला नसतांना गिरणीकडून अनधिकृतपणे अतिरिक्त आकार वसूल करीत असल्याबद्दल. ”

Except these three lines, there are no detail particulars given by the applicant regarding his claim. No specific amount is given in Schedule – A. In fact it was necessary for the applicant to give separate detail particulars along with Schedule – A, describing therein for how much period, at what rate and how much amount is claimed. But the entire Schedule – A, i.e. Grievance application is silent. Along with Schedule-A the applicant had produced one zerox copy of an application to the Internal Grievance Redressal Cell (IGRC). However, it is the application addressed to IGRC & not to this Consumers' Grievance Redressal Forum. Therefore, what is pleaded in the application before IGRC is not

addressed to this Forum. Furthermore, it is not mentioned in Schedule – A whether IGRC had partly allowed or rejected or not decided the application of the applicant. Therefore, in fact, the application is not tenable before this Forum because it is very vague & there are no detail particulars.

- 5) Furthermore, the applicant is not a layman or illiterate person. On the contrary, record shows that in para 2 of schedule-A, the applicant had given its email address. Furthermore, the application before IGRC appears to be computerized copy. Authorized signatory of the applicant is Executive Director & therefore presumed to be law knowing person. Therefore, in the opinion of the Forum, present vague Grievance application having no specific claim is not tenable at law. On this sole ground, the application deserves to be dismissed.
- 6) In Point No. 1.91 of the order passed by MERC in case No. 69/10 Dt. 2.12.2010, Hon'ble MERC held as under :-

*“The Tariff Order for FY 2010-11 was issued on 12<sup>th</sup> September 2010 and MSEDCL was allowed to charge revised tariff from 1<sup>st</sup> September 2010. The additional revenue gap approved by the Commission shall be charged from 1<sup>st</sup> December 2010. As such the recovery of Additional Energy Charge has been computed by giving the effect of the period from 1<sup>st</sup> September 2010 to 30<sup>th</sup> November 2010 (3months). Additional*

*revenue to be recovered in these three months has been proportionally considered to be recovered further in nine months.”*

7) In Point No. 1.89 of the said order, Hon’ble MERC held as under :-

*“Thus, the Commission approves additional revenue of Rs. 1136.27 Cr. (Rs. 1092 Cr.+ Rs. 46.67 Cr – Rs. 2.40 Cr.) in this Review Order, which will be recovered through tariff from the consumers with effect from 1<sup>st</sup> December 2010.”*

8) Considering the order passed by Hon’ble MERC in above referred case, it is crystal clear that there is no force in the Grievance application of the applicant & the application deserves to be dismissed. Resultantly, the Forum proceeds to pass the following order :-

### ORDER

I) The Grievance application is hereby dismissed.

Sd/- (Smt.K.K.Gharat)	Sd/- (Adv.Smt.GauriChandrayan)	Sd/- (ShriShivajirao S.Patil)
MEMBER SECRETARY	MEMBER	CHAIRMAN